80-6646

RECEIVED
MAY 12 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

HERSE L. WHITE, APPELLANT :
:
V : NO.
:
UNITED STATES, APPELLEE :
:

MOTION FOR LEAVE TO AMEND TO CORRECT JURISDICTIONAL STATEMENT.

Comes now the appellant, Herse L. White, inpropria-personam, respectfully pray this court for leave to amend to correct jurisdictional statement, pursuant tothe U. S. Supreme Court Rules, and refer to the attached Points and Authorities in support thereto.

WHEREFORE, appellant respectfully pray this court grant this motion.

Herse L. White
P. O. Box 25
Lorton, Va. 22079

IN THE

SUPREME COURT OF THE UNITED STATES

HERSE L. WHITE, APPELLANT :

V : NO.

UNITED STATES, APPELLEE :

:

POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO AMEND TO CORRECT.

Appellant originally instructed the individual who typed the Jurisdictionl Statement to re type to correct page six of the statement. However, when appellant double checked the statement yesterday, he discovered that the corrected page six was in the chart; Therefore, appellant respectfully request the Court to allow him to substitute the incorrect page six, for the corrected page six, appended.

Herse L. White
P. O. Box 25
Lorton, Va. 22079

APPENDICE

Corrected page six of Jurisdictional Statement

The trial court decided and denied the motion to vacate without a hearing to receive the proffered testimony and evidence offered in support of the motion. He alluded to the position of Ms. Gardner as a witness, without proof, and while the appellant knew the position of the ex tenant. He decided on the merits of the case.

On appeal, the D. C. Appeals Court affirmed, they concluded that the appellant's claims had been fully addressed at the prior hearing or was vague and conclusory, they referred to the wording of 23 D. C. Code 110(c); However, its clear that they could not properly decide on the case because the issue's of ineffective assistance and the defect in the institution are outside the record and a hearing would be necessary to properly adjudicate the appellant's claims.
In indicating that the motion to vacate was definite or vague, they cited Pettaway v United States, D. C. App., 390 A 2d 981 (1978), a cite where the court indicated the defendant to refile, if he could. The question here is how can anything be definite and vague at the same time, since definite is contrary to vague.....its not possible, and if the motion appeared vague to them, they should have reversed for a hearing or instructed the appellant to refile.

Injustice like crime, especially violent crime, should not be tolerated.....Both are wrong, and no two wrong's could make a right. Appellant respectfully submit to this court, that this case was prejudiced before it's begining, its petty prejudice that has prevented appellant's release and Justice in this case. The illegal indictment should be dismissed and the illegal sentence should be vacated. See, Reese v Georgia, 350 U. S. 85, 100 L ed 77 (1955); Mooney v Holohan, 294 U. S. 103, 79 L ed 794, 55 S. Ct. 340.

SIGNIFICANCE OF QUESTIONS PRESENTED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a copy of the forgoing Motion for leave to amend to correct Jurisdictional Statement, has been mailed to the U. S. Solicitor General, Department of Justice, Washington, D. C., this 7th day of May 1981.

5/7/81

Herse L. White
P. O. Box 25
Lorton, Va. 22079